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Attorney for Defendant: MARK OBENSTINE

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JAMES ESTAKHRIAN and ABDI
NAZIRI, on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

MARK OBENSTINE, et al.,

Defendants.

Case No.: CV 11-3480 FMO (CWx)

**DECLARATION OF MARK
OBENSTINE PURSUANT TO
COURT ORDER DOCUMENT # 653,
§ 2 AND COURT HEARING
MINUTES DOCUMENT # 659.**

Courtroom: 6D

Judge: Hon. Fernando M. Olguin

1. I, MARK OBENSTINE, declare and state that I am a defendant in the above-captioned matter. I have personal knowledge of the facts contained herein, except as to those matters, which are based on my information and belief, and as to those matters, I believe them to be true, and if called to testify in this matter, I could and would competently testify thereto.
2. This Declaration is submitted per request of the Court pursuant to § 2 of the Court's order, Document # 653 regarding real property 909 SW Shaeffer Road,

1 West Linn, Oregon 97068 (the "Property"), and the Court's hearing minutes,
2 Document # 659.

3 3. I was forced to refinance the mortgage on the Property on or about September
4 8, 2018 since the term of original mortgage on the Property had expired. A true
5 and correct copy of the closing documentation regarding that refinancing is
6 attached hereto as **Exhibit A**.

7
8
9 4. The refinancing company, Citadel, required me to pay all outstanding property
10 taxes for the Property, and thus required me to apply for a loan that was larger
11 than the original loan.

12
13 5. I was forced to obtain a home equity line of credit in February of 2019 due to
14 my inability to properly maintain the Property and service the Citadel
15 mortgage.

16
17 6. I have not consummated any other transactions of any type regarding the
18 Property since November 19, 2017.

19
20
21 I declare under penalty of perjury under the laws of the United States of America
22 that the foregoing is true and correct, and I executed this declaration on February
23 28, 2020, in West Linn, Oregon.

24
25
26 /Mark Obenstine/
27 Mark Obenstine
28

EXHIBIT A

#15545

Closing Disclosure

*This form is a statement of final loan terms and closing costs.
Compare this document with your Loan Estimate.*

Closing Information

Date Issued 10/04/2018
Closing Date 09/24/2018
Disbursement Date 09/28/2018
Settlement Agent ServiceLink, LLC
File # 24355316
Property 909 Southwest Schaeffer Road
West Linn, OR 97068
Appraised Prop. Value \$1,750,000.00

Transaction Information

Borrower Mark R. Obenstine
909 SW Schaeffer RD
West Linn, OR 97068
Lender Citadel Servicing Corporation

Loan Information

Loan Term 30 years
Purpose Refinance
Product 5/1 Adjustable Rate
Loan Type ☒ Conventional ☐ FHA
☐ VA ☐
Loan ID # 5001636
MIC #

Loan Terms		Can this amount increase after closing?	
Loan Amount	\$1,125,000	NO	
Interest Rate	5.374%	YES	<ul style="list-style-type: none"> Adjusts every year starting in year 6 Can go as high as 11.374% in year 8 See AIR Table on page 4 for details
Monthly Principal & Interest <i>See Projected Payments below for your Estimated Total Monthly Payment</i>	\$6,298.98	YES	<ul style="list-style-type: none"> Adjusts every year starting in year 6 Can go as high as \$10,354 in year 8
Does the loan have these features?			
Prepayment Penalty		NO	
Balloon Payment		NO	

Projected Payments				
Payment Calculation	Years 1-5	Year 6	Year 7	Years 8-30
Principal & Interest	\$6,298.98	\$6,299 min \$7,589 max	\$6,299 min \$8,946 max	\$6,299 min \$10,354 max
Mortgage Insurance	+ 0.00	+ 0.00	+ 0.00	+ 0.00
Estimated Escrow <i>Amount can increase over time</i>	+ 2,102.21	+ 2,102.21	+ 2,102.21	+ 2,102.21
Estimated Total Monthly Payment	\$8,401.19	\$8,401-\$9,691	\$8,401-\$11,048	\$8,401-\$12,456
Estimated Taxes, Insurance & Assessments <i>Amount can increase over time</i> <i>See Page 4 for details</i>	\$2,102.21 a month	This estimate includes: <input checked="" type="checkbox"/> Property Taxes <input checked="" type="checkbox"/> Homeowner's Insurance <input type="checkbox"/> Other: <i>See Escrow Account on page 4 for details. You must pay for other property costs separately.</i>		In escrow? YES YES

Costs at Closing	
Closing Costs	\$47,585.40 Includes \$16,538.00 in Loan Costs + \$31,047.40 in Other Costs - \$0.00 in Lender Credits. <i>See page 2 for details.</i>
Cash to Close	\$17,686.32 Includes Closing Costs. <i>See Calculating Cash to Close on page 3 for details.</i> <input type="checkbox"/> From <input checked="" type="checkbox"/> To Borrower



Closing Cost Details

Loan Costs		Borrower-Paid		Paid by Others
		At Closing	Before Closing	
A. Origination Charges		\$12,545.00		
01	% of Loan Amount (Points)			
02	Loan Origination Fee	11,250.00		
03	Underwriting Fee	1,295.00		
04				
05				
06				
07				
08				
B. Services Borrower Did Not Shop For		\$3,993.00		
01	Appraisal Fee to Protect		1,000.00	
02	Title - Abstract or Title Search to ServiceLink, LLC	30.00		
03	Title - Endorsements to ServiceLink, LLC	200.00		
04	Title - Lender Coverage to ServiceLink, LLC	2,288.00		
05	Title - Settlement Agent Fee to ServiceLink, LLC	475.00		
06				
07				
08				
C. Services Borrower Did Shop For		\$0.00		
01				
02				
03				
04				
05				
06				
07				
08				
D. TOTAL LOAN COSTS (Borrower-Paid)		\$16,538.00		
Loan Costs Subtotals (A + B + C)		16,538.00	1,000.00	
Other Costs				
E. Taxes and Other Government Fees		\$208.00		
01	Recording Fees Deed:\$208.00 Mortgage:	208.00		
02				
F. Prepays		\$26,634.98		
01	Homeowner's Insurance Premium (mo.)			
02	Mortgage Insurance Premium (mo.)			
03	Prepaid Interest (\$167.9375 per day from 09/28/2018 to 10/01/2018)	503.81		
04	Property Taxes (12 mo.) to Clackamas County Treasurer	26,131.17		
05				
G. Initial Escrow Payment at Closing		\$4,204.42		
01	Homeowner's Insurance \$ 122.58 per month for 12 mo.	1,470.96		
02	Mortgage Insurance			
03	Property Taxes \$ 1,979.63 per month for 2 mo.	3,959.26		
04				
05				
06				
07				
08	Aggregate Adjustment	-1,225.80		
H. Other		\$0.00		
01				
02				
03				
04				
05				
06				
07				
08				
I. TOTAL OTHER COSTS (Borrower-Paid)		\$31,047.40		
Other Costs Subtotals (E + F + G + H)		31,047.40		
J. TOTAL CLOSING COSTS (Borrower-Paid)		\$47,585.40		
Closing Costs Subtotals (D + I)		46,585.40	1,000.00	
Lender Credits				



Payoffs and Payments

Use this table to see a summary of your payoffs and payments to others from your loan amount

TO	AMOUNT
01 FCI Lender Services, Inc. to pay off Mortgage	973,431.00
02 Delinquent property taxes 2017 to pay off Taxes	26,289.55
03 Delinquent Property taxes 2016 to pay off Taxes	29,208.31
04 Delinquent Property Taxes 2015 to pay off Taxes	31,734.61
05 Clackamas County to pay off Lien	64.81
06	
07	
08	
09	
10	
11	
12	
13	
14	
15	
K. TOTAL PAYOFFS AND PAYMENTS	1,060,728.28

Calculating Cash to Close

Use this table to see what has changed from your Loan Estimate.

	Loan Estimate	Final	Did this change?
Loan Amount	\$1,125,000.00	\$1,125,000.00	NO
Total Closing Costs (J)	-\$30,974.00	-\$47,585.40	YES • See Total Loan Costs (D) and Total Other Costs (I)
Closing Costs Paid Before Closing	\$0	\$1,000.00	YES • You paid these Closing Costs before closing
Total Payoffs and Payments (K)	-\$1,065,407.00	-\$1,060,728.28	YES • See Payoffs and Payments (K)
Cash to Close	\$28,619.00	\$17,686.32	
	<input type="checkbox"/> From Borrower <input checked="" type="checkbox"/> To Borrower	<input type="checkbox"/> From Borrower <input checked="" type="checkbox"/> To Borrower	Closing Costs Financed (Paid from your Loan Amount) \$46,585.40



Additional Information About This Loan

Loan Disclosures

Assumption

If you sell or transfer this property to another person, your lender

- ☒ will allow, under certain conditions, this person to assume this loan on the original terms.
- ☐ will not allow assumption of this loan on the original terms.

Demand Feature

Your loan

- ☐ has a demand feature, which permits your lender to require early repayment of the loan. You should review your note for details.
- ☒ does not have a demand feature.

Late Payment

If your payment is more than 15 days late, we will charge a late fee of 5% of the principal and interest portion of your payment.

Negative Amortization (Increase in Loan Amount)

Under your loan terms, you

- ☐ are scheduled to make monthly payments that do not pay all of the interest due that month. As a result, your loan amount will increase (negatively amortize), and your loan amount will likely become larger than your original loan amount. Increases in your loan amount lower the equity you have in this property.
- ☐ may have monthly payments that do not pay all of the interest due that month. If you do, your loan amount will increase (negatively amortize), and, as a result, your loan amount may become larger than your original loan amount. Increases in your loan amount lower the equity you have in this property.
- ☒ do not have a negative amortization feature.

Partial Payments

Your lender

- ☐ may accept payments that are less than the full amount due (partial payments) and apply them to your loan.
- ☒ may hold them in a separate account until you pay the rest of the payment, and then apply the full payment to your loan.
- ☐ does not accept any partial payments.

If this loan is sold, your new lender may have a different policy.

Security Interest

You are granting a security interest in

909 Southwest Schaeffer Road
West Linn, OR 97068

You may lose this property if you do not make your payments or satisfy other obligations for this loan.

Escrow Account For now, your loan

- ☒ will have an escrow account (also called an "impound" or "trust" account) to pay the property costs listed below. Without an escrow account, you would pay them directly, possibly in one or two large payments a year. Your lender may be liable for penalties and interest for failing to make a payment.

Escrow		
Escrowed Property Costs over Year 1	\$25,226.52	Estimated total amount over year 1 for your escrowed property costs: Homeowner's Insurance, Property Taxes
Non-Escrowed Property Costs over Year 1	\$0.00	Estimated total amount over year 1 for your non-escrowed property costs: You may have other property costs.
Initial Escrow Payment	\$4,204.42	A cushion for the escrow account you pay at closing. See Section G on page 2.
Monthly Escrow Payment	\$2,102.21	The amount included in your total monthly payment.

- ☐ will not have an escrow account because ☐ you declined it ☐ your lender does not offer one. You must directly pay your property costs, such as taxes and homeowner's insurance. Contact your lender to ask if your loan can have an escrow account.

No Escrow		
Estimated Property Costs over Year 1		Estimated total amount over year 1. You must pay these costs directly, possibly in one or two large payments a year.
Escrow Waiver Fee		

In the future,

Your property costs may change and, as a result, your escrow payment may change. You may be able to cancel your escrow account, but if you do, you must pay your property costs directly. If you fail to pay your property taxes, your state or local government may (1) impose fines and penalties or (2) place a tax lien on this property. If you fail to pay any of your property costs, your lender may (1) add the amounts to your loan balance, (2) add an escrow account to your loan, or (3) require you to pay for property insurance that the lender buys on your behalf, which likely would cost more and provide fewer benefits than what you could buy on your own.

Adjustable Interest Rate (AIR) Table

Index + Margin	One Year Treasury Constant Maturity + 2.95%
Initial Interest Rate	5.374%
Minimum/Maximum Interest Rate	5.374% / 11.374%
Change frequency	
First Change	Beginning of 61st month
Subsequent Changes	Every 12th month after first change
Limits on Interest Rate Changes	
First Change	2%
Subsequent Changes	2%



Loan Calculations

Total of Payments. Total you will have paid after you make all payments of principal, interest, mortgage insurance, and loan costs, as scheduled.	\$2,308,044.28
Finance Charge. The dollar amount the loan will cost you.	\$1,179,526.28
Amount Financed. The loan amount available after paying your upfront finance charge.	\$1,111,476.19
Annual Percentage Rate (APR). Your costs over the loan term expressed as a rate. This is not your interest rate.	5.561%
Total Interest Percentage (TIP). The total amount of interest that you will pay over the loan term as a percentage of your loan amount.	103.689%



Questions? If you have questions about the loan terms or costs on this form, use the contact information below. To get more information or make a complaint, contact the Consumer Financial Protection Bureau at www.consumerfinance.gov/mortgage-closing

Other Disclosures**Appraisal**

If the property was appraised for your loan, your lender is required to give you a copy at no additional cost at least 3 days before closing. If you have not yet received it, please contact your lender at the information listed below.

Contract Details

See your note and security instrument for information about

- what happens if you fail to make your payments,
- what is a default on the loan,
- situations in which your lender can require early repayment of the loan, and
- the rules for making payments before they are due.

Liability after Foreclosure

If your lender forecloses on this property and the foreclosure does not cover the amount of unpaid balance on this loan,

- ☒ state law may protect you from liability for the unpaid balance. If you refinance or take on any additional debt on this property, you may lose this protection and have to pay any debt remaining even after foreclosure. You may want to consult a lawyer for more information.
- ☐ state law does not protect you from liability for the unpaid balance.

Refinance

Refinancing this loan will depend on your future financial situation, the property value, and market conditions. You may not be able to refinance this loan.

Tax Deductions

If you borrow more than this property is worth, the interest on the loan amount above this property's fair market value is not deductible from your federal income taxes. You should consult a tax advisor for more information.

Contact Information

	Lender	Mortgage Broker	Real Estate Broker (B)	Real Estate Broker (S)	Settlement Agent
Name	Citadel Servicing Corporation		N/A	N/A	ServiceLink, LLC
Address	15707 Rockfield Blvd, Suite 320 Retail Division Irvine, CA 92618		N/A	N/A	1355 Cherrington Pkwy Moon Township, PA 15108
NMLS ID	144549				
OR License ID	ML-5599				100165443
Contact	Stephen Park				Guadalupe Kavanaugh
Contact NMLS ID	314971				
Contact OR License ID	N/A				100165443
Email	stephenp@ citadelservicing.com				slescrow@svclnk.com
Phone	(949) 900-6630				(714) 734-3279

Confirm Receipt

By signing, you are only confirming that you have received this form. You do not have to accept this loan because you have signed or received this form.

Mark R. Obenstine

Date

Co-Applicant Signature

Date

CLOSING DISCLOSURE



PAGE 5 OF 5 • LOAN ID # 5001636

ADDENDUM TO CLOSING DISCLOSURE

This Addendum contains additional information. It does not replace any information disclosed on the Closing Disclosure.

Summaries of Transactions

Use this table to see a summary of your transaction.

BORROWER'S TRANSACTION

K. Due from Borrower at Closing	\$1,107,313.68
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Payoffs and Payments

04 a. To FCI Lender Services, Inc. to pay off Mortgage	\$973,431.00
04 b. To Delinquent property taxes 2017 to pay off Taxes	\$26,289.55
04 c. To Delinquent Property taxes 2016 to pay off Taxes	\$29,208.31
04 d. To Delinquent Property Taxes 2015 to pay off Taxes	\$31,734.61
04 e. To Clackamas County to pay off Lien	\$64.81

